

## **500 KAR 9:030. Reports and audits.**

RELATES TO: KRS 218A.410 et seq., 218A.440(1)

STATUTORY AUTHORITY: KRS 218A.435(8), 218A.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218A.440(1) requires each law enforcement agency to file an annual report with the secretary listing all money and property seized during a fiscal year for forfeiture and the disposition thereof. KRS 218A.440(3) permits the secretary to initiate an inquiry to determine a law enforcement agency is forfeiting property and expending funds in accordance with the Controlled Substances Act. This administrative regulation addresses these functions of the secretary.

Section 1. As soon as practical, but in no event more than thirty (30) days following seizure of property to be forfeited pursuant to the Controlled Substances Act, the seizing law enforcement agency shall forward to the program coordinator a copy of the property seizure and storage form or its equivalent as adopted by the agency in its policy regarding asset forfeiture.

Section 2. Each law enforcement agency shall forward to the program coordinator a copy of each final order of forfeiture which relates to property seized by that agency, within thirty (30) days from the issuance of such order.

Section 3. Each law enforcement agency shall, as soon as practical but in no event more than thirty (30) days following the sale of property awarded by final order of forfeiture, notify the program coordinator of property so sold, the amount received for such property, and the amount, if any, of any fee paid to any other person or agency for conducting the public sale. Any payment due to the trust fund will accompany this report.

Section 4. Any law enforcement agency retaining a forfeited vehicle for official use or separate sale shall so notify the program coordinator within thirty (30) days following the award of the vehicle to the agency by final order of forfeiture. If the vehicle is sold, the agency shall so notify the program coordinator and indicate the sale proceeds and specific disposition thereof within thirty (30) days of the sale.

Section 5. A copy of any forfeiture lien requested to be filed by a law enforcement agency shall be forwarded to the program coordinator by the attorney preparing same within thirty (30) days of its filing.

Section 6. The annual report required to be filed by KRS 218A.440(1) shall be filed within thirty (30) days of the close of the fiscal year of the Commonwealth of Kentucky.

Section 7. Each law enforcement agency shall:

- (1) Report when requested by the program coordinator, or other designee of the secretary, any and all data regarding property seized for forfeiture;
- (2) Give the program coordinator, or other designee of the secretary, access for purpose of inspection or audit to any property seized for forfeiture or any records pertaining to the seizure, maintenance, custody, forfeiture or sale of such property; and
- (3) Cooperate with the program coordinator, or other designee of the secretary, to the end that his duties may be properly performed. (17 Ky.R. 164; eff. 9-13-90.)